

Message

From: Sherman, Kelly [Sherman.Kelly@epa.gov]
Sent: 3/16/2020 1:47:07 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Reaves, Elissa [Reaves.Elissa@epa.gov]; Smith, Charles [Smith.Charles@epa.gov]
Subject: Paraquat 2(ee)(6) & Dicamba OTT products
Attachments: 000352-00913-20181105.pdf; 000524-00617-20181105.pdf; 007969-00345-20181102.pdf

Hi Rick,

Elissa asked me to send you an email to let you know that during the course of working on the paraquat 2(ee)(6), we realized that the same truck driver problem exists for three dicamba “over the top” products that are also limited to certified applicators only (“under the supervision” not allowed).

As far as we know, the issue hasn’t yet been raised by stakeholders re dicamba. OGC thinks that the regulated community may not be understanding the dicamba labels because they don’t say “**not to be used by uncertified persons working under the supervision of a certified applicator.**” But it is clear that the same problem will arise with these three products that has arisen for paraquat with respect to truck drivers.

Below is more information from Nancy Fitz about the exact label statements on paraquat vs. dicamba, and the three dicamba labels at issue are attached.

OGC does not recommend a “combination” 2(ee)(6) memo covering both paraquat and dicamba because the nature of the risks instigating the prohibition against “under the supervision” are very different between paraquat and dicamba, so the 2ee6 determinations will probably look very different in terms of the scope, the conditions and the rationale. But they agree that we will likely need one in the near future for the dicamba products.

As such, it would probably be a good idea to let Alex and/or the Administrator know the dicamba OTT products will likely need a 2ee6 in the near future. This came up in discussions with Sarah Stillman, so she may raise it with Alex as well.

PS – Sarah said that she would get back to us with her comments today on the most recent draft of the paraquat memo.

Thanks,
Kelly

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From: Fitz, Nancy <Fitz.Nancy@epa.gov>
Sent: Wednesday, March 11, 2020 3:04 PM
To: Mannix, Marianne <Mannix.Marianne@epa.gov>; Pinto, Ana <Pinto.Ana@epa.gov>; Sherman, Kelly <Sherman.Kelly@epa.gov>
Subject: Dicamba RUP statement

Here are the statements in the RUP box on the first page for the dicamba products. It looks like they have the same problem. I’ve attached the labels for completeness.

The statement is the same for all three dicamba over the top products (352-913, 524-617, 7969-345)

Restricted Use Pesticide

For retail sale to and use only by certified applicators

For comparison, here is the statement from the label of Gramoxone SL 2.0 (100-1431)

Restricted Use Pesticide

Due to Acute Toxicity

For retail sale to and use only by certified applicators only – **not to be used by uncertified persons working under the supervision of a certified applicator.**

Nancy